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Appln. No. 09/752,666
Amendment dated May 31, 2006
Reply to Office Action mailed March 3, 2006

REMARKS

Reconsideration is respectfully requested.

Claims 1, 2, 7 through 12, 14, 15, 17, 18 and 21 through 32 remain in this application. Claims 3 through 6, 13, 16, 19, 20 and 33 have been cancelled. No claims have been withdrawn or added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Part 1 of the Office Action

Claims 12 and 33 have been objected to for the informalities noted in the Office Action.

Claim 12 has been amended in a manner believed to clarify any informalities in the language. Specifically, in claim 12, lines 1 and 2, "step" has been deleted. Claim 33 has been cancelled.

Withdrawal of the objection to claim 12 is therefore respectfully requested.

Part 2 of the Office Action

Claim 8 has been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendment to claim 8 is believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

Withdrawal of the §112 rejection of claim 8 is therefore respectfully requested.

Appln. No. 09/752,666
Amendment dated May 31, 2006
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Parts 3 through 8 of the Office Action

Claims 1, 2, 7, 8, 12, 14, 15, 17, 18, 21 through 25 and 29 through 33 have been rejected under 35 U.S.C. §102(b) as being anticipated by Adams.

Claims 1, 2, 7, 8, 12, 14, 15, 18, 21 through 26 and 29 through 33 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Mantha in view of Adams.

Claim 9 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Mantha in view of Adams and further in view of Lambert.

Claim 10 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Mantha in view of Adams and further in view of Official Notice.

Claim 11 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Mantha in view of Adams and furthering view of Porter.

Claims 27 and 28 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Mantha in view of Adams and further in view of "Official Notice".

Claim 1, particularly as amended, requires "wherein the obtaining step is performed at substantially the same time as the storing step", which was previously a requirement of claim 33 (now cancelled). Claim 12 requires, in part, "wherein the entering step is performed at substantially the same time as the storing step". Claim 14 requires "the client being configured to temporarily store data downloaded from a network for a minimum period of time specified by a user, after which period of time the stored data is subject to automatic deletion, *said user specified minimum period of time being specified by an entry made at said input device by the user at substantially the same time as the data is stored*".

Appln. No. 09/752,666
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It is alleged in the rejections of claim 33 in the Office Action that the Adams patent teaches this requirement at col. 3, lines 12 through 20, which reads (emphasis added):

Keep module 30 in one embodiment is integrated with browser interface 10 in a known manner to provide an option for user 20 when a document is requested through browser interface 10. At the time of the request, user 20 can designate the document as a keep document. In another embodiment, keep module 30 is a separate interface available to user 20. Keep module 30 also allows user 20 to designate any documents already stored in disk 18 by cache control 26 as keep documents.

However, the Adams patent teaches that the user must designate whether the document is a "keep document" "at the time of the request", which clearly does not suggest to one of ordinary skill in the art that there is any "obtaining" of "an indication of a minimum length of time during which the received data is to be temporarily stored" "at substantially the same time as the storing step" as required by claim 1. Even the last sentence of the referenced paragraph of Adams, which says "[k]eep module 30 also allows user 20 to designate any documents *already stored* in disk 18 by cache control 26 as keep documents.", suggests to one of ordinary skill in the art that the designation occurs *after* the documents has been stored, perhaps long after the documents have been stored, so one of ordinary skill in the art does not take from Adams that the designation occurs "at substantially the same time as the storing step", as required by claim 33. It is submitted that one of ordinary skill in the art, considering this part of the Adams patent, is clearly left with the impression that the designation occurs at the time that the document is requested (and thus well before the storing of the document), or at some time after the document has been stored.

It is submitted that the Adams patent would not lead one of ordinary skill in the art to the requirements of claims 1, 12 and 14.

Further, claim 10 requires the step of deleting the data immediately after the specified minimum length of time has passed". It is asserted in the

Appin. No. 09/752,666
Amendment dated May 31, 2006
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rejection of claim 10 in the Office Action that the requirement of the claim 10 is disclosed by the Motoyama patent at col. 5, lines 53 through 57, which states (emphasis added):

According to one embodiment, data stored on non-volatile storage devices 200 and 202 is erased after a specified period of time. This process is data specific, which means that different data may reside on non-volatile storage devices 200 and 202 for different periods of time. Also, different expiration dates may apply to different data. Some data may not be erased at all and may reside on non-volatile storage devices 200 and 202 indefinitely.

However, nothing here says anything about any deletion "immediately after the specific minimum length of time has passed", but merely discusses deleting the data "after a specified period", which does not disclose to one of ordinary skill in the art that any deletion occurs "immediately" after a time period, and it is submitted that one of ordinary skill in the art can only speculate as to at what time after the specified period of time that the deletion might occur. In fact, if one looks a little further in the Motoyama patent, it become apparent that the time of erasure is not immediately after the specified period of time. See, e.g., Motoyama at col. 5, line 61 through col. 6, line 6 (emphasis added):

Referring to FIG. 4A, FIG. 5A, and FIG. 5B, directory entries 500 contained in directory information 402 are examined to determine if the Expiration Date 506 has been reached. This is performed by comparing the Expiration Date 506 for a particular directory entry 500 to the current date. Alternatively, instead of maintaining an Expiration Date 506 in each directory entry 500, a "time to keep" may be maintained in each directory entry and the expiration date may be determined from both the creation date and the "time to keep." An alternative approach is to have an agent that visits all the entries of all the directories to check the time and date of the system against expiration date of the entries. If the expiration date is passed, the agent deletes the entries.

It is submitted that one of ordinary skill in the art, considering this further explanation in Motoyama, would understand that the erasure occurs when an agent examines files to determine if the "time to keep" has passed, and thus depends upon the time when the agent inspects the file, rather than

Appln. No. 09/752,666
Amendment dated May 31, 2006
Reply to Office Action mailed March 3, 2006

"immediately" when any specified minimum length of time has passed. It is submitted that Motoyama would lead one of ordinary skill in the art to understand that the time that the file is erased is when the agent examines the files and discovers that the "time to keep" has passed, and this may be anytime after the "time to keep" has passed. It is therefore submitted that the disclosure of the Motoyama patent would not lead one of ordinary skill in the art to the "immediately" requirement of claim 10.

Claim 26 requires "providing the user of the client system with an option to delete an earlier version of the received data being stored" (emphasis added). It is contended in the rejection of claim 26 in the Office Action that the requirements of claim 26 are disclosed by the Mantha patent at col. 9, lines 38 through 49:

A method for deleting a saved Web page copy is shown in the flowchart of FIG. 8. The routine begins at step 52 with the user bringing up the Category page (e.g., by clicking a number 1-9) from the remote control in which the Web page was stored. At step 54, the on-screen menu is accessed by clicking the Menu button from the remote control. The routine then continues at step 56 with the user clicking DELETE. This brings up a "Delete Items" page. At step 58, the user clicks on DELETE with respect to the link to be deleted. This operation marks the item for deletion. At step 59, the user clicks DONE to make the change effective. This deletes the Web page.

However, it is submitted that nothing in this portion of the Mantha patent suggests to one of ordinary skill in the art that there is any option to delete an earlier version of the received data being stored". What is being described in the Mantha patent is a generic Web page file deletion process, with no apparent connection to any earlier version of the any data being received and stored.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Mantha and Adams set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claim 26.

Appln. No. 09/752,666
Amendment dated May 31, 2006
Reply to Office Action mailed March 3, 2006

Claim 27 requires "after the expiration of the minimum length of time, *notifying the user of the client system* prior to the deletion of the at least a portion of the received data" (emphasis added). Claim 28 requires "deleting the at least a portion of the received data after notifying the user of the client system prior to the deletion, and after the user of the client system has authorized the deletion of the at least a portion of the received data". It is conceded in the rejection of claims 27 and 28 that the allegedly obvious combination of Mantha and Adams set forth in the Office Action fail to disclose this feature of the claimed invention, but then it is asserted that:

The Examiner takes Official Notice that it is old and well known in the art to notify a user and obtain permission from them prior to deleting files. This allows the user to monitor which files are being deleted and gives them a chance to stop deletion if they prefer to keep the data. This has been performed in many well-known instances, such as requiring a user to confirm whether or not to empty the Recycle Bin in Microsoft Windows.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to notify the user that the expiration period has expired and obtain permission to delete the expired files prior to deleting them. This would allow the user to stop deletion of any file that they still want to keep.

However, it is submitted that the examples given in the rejection to support the "Official Notice" (confirmation of the emptying of the Recycle Bin or confirmation of the deletion of a file) are performed in response to a request by the user to delete a file or files from folders of the Recycle Bin, and not in the context of an automatic deletion of a file after a user-indicated period of temporary storage of a file. It is also submitted that the example deletions are typically initiated by the user, and thus notification would be superfluous. Furthermore, it is noted that the Adams patent is completely silent about any notification or authorization, as the Adams system appears to be an automatic system that works in the background. It is therefore submitted that one of ordinary skill in the art, considering the teaching of the Adams and Mantha patent, would not find it obvious to modify the allegedly obvious combination of Adams and Mantha in the manner set

Appln. No. 09/752,666
Amendment dated May 31, 2006
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forth, even if one assumes that the matter recognized in the "Official Notice" is indeed well known.

Claim 29 requires that "the step of obtaining the indication of the minimum length of time occurs *after the step receiving the requested data*". It is alleged in the rejections of the Office Action that the Adams patent teaches this requirement at col. 3, lines 12 through 20, which reads (emphasis added):

Keep module 30 in one embodiment is integrated with browser interface 10 in a known manner to provide an option for user 20 when a document is requested through browser interface 10. At the time of the request, user 20 can designate the document as a keep document. In another embodiment, keep module 30 is a separate interface available to user 20. Keep module 30 also allows user 20 to designate any documents already stored in disk 18 by cache control 26 as keep documents.

However, it is submitted that one of ordinary skill in the art, considering this portion of the disclosure of the Adams patent, would understand that the designation of the "keep document" occurs "[a]t the time of the request", and not "after the step receiving the requested data", as required by claim 29. It is submitted that not only would one of ordinary skill in the art not understand that the Adams patent teaches the time of indicating the minimum length of time "after the step receiving the requested data", Adams leads one of ordinary skill in the art to making such designation before the data is received, and at the time that the document is requested.

Further, claim 32 requires "obtaining, by said client system from the user of the client system and *after receiving the data of the individual Web page*, an indication of a minimum length of time during which the received data for the individual Web page is to be temporarily stored on the client system" (emphasis added). The rejections of claim 32 cite the same portion of the Adams patent, and it is submitted that this portion of the Adams patent also does not suggest to one of ordinary skill in the art this requirement of claim 32.

Appln. No. 09/752,666
Amendment dated May 31, 2006
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It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Mantha, Adams, Lambert, Motoyama, Porter, and the Official Notice set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1, 2, 7 through 12, 14, 15, 17, 18 and 21 through 33, and therefore these claims are submitted to be in condition for allowance.


Withdrawal of the §102(b) and §103(a) rejection of claims 1, 2, 7 through 12, 14, 15, 17, 18 and 21 through 33 is therefore respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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